

United States District Court
for the
Southern District of Florida

Yocasta Mompie, Plaintiff,)	
)	
v.)	
)	Civil Action No. 22-24081-Civ-Scola
Kilolo Kijakazi, Acting)	
Commissioner of Social Security,)	
Defendant.)	

Order Adopting Magistrate Judge’s Report and Recommendations

This matter comes before the Court on the Plaintiff’s amended unopposed motion for attorneys’ fees pursuant to the Equal Access to Justice Act (“EAJA”). (Mot., ECF No. 34.) Plaintiff Yocasta Mompie (“Mompie”) challenged the denial of her social security benefits. Mompie and Defendant Kilolo Kijakazi¹, Commissioner of the Social Security Administration (“Commissioner”), filed cross-motions for summary judgment. (ECF Nos. 18, 19.) On the issue of Plaintiff’s mental impairments, the Court granted her motion for summary judgment and remanded the case to the Administrative Law Judge for further proceedings. (ECF No. 28.) Plaintiff then filed the instant motion seeking \$10,000 in attorneys’ fees under the EAJA. (ECF No. 34.)

The case was referred to United States Magistrate Judge Jonathan Goodman for a ruling on all pre-trial, nondispositive matters and for a report and recommendation on any dispositive matters. (ECF No. 2.) On July 27, 2024, Judge Goodman issued a report, recommending the Court grant the Plaintiff’s motion and award Plaintiff \$10,000 in attorneys’ fees, “contingent upon a determination by Defendant that Plaintiff owes no qualifying, preexisting debt(s) to the Government.” (Rep. & Rec. at 9, ECF No. 37.) The R&R gave the parties four days to file written objections, but neither party did so.

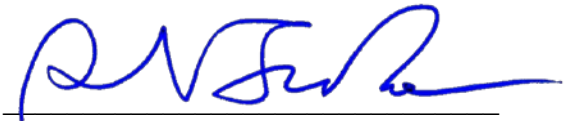
A district court judge must conduct a de novo review of only “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636. Where no objections are made, a report may be adopted in full without conducting a de novo review, provided no plain error exists. *See id.*; *Menendez v. Naples Cmty. Hosp. Inc.*, No. 2:20-CV-

¹ Plaintiff’s suit was filed against Kilolo Kijakazi, the Acting Commissioner at the time of filing. Martin J. O’Malley was sworn in as Commissioner of the Social Security Administration on December 20, 2023. Pursuant to Federal Rule of Civil Procedure 25(d), Martin J. O’Malley should be substituted for Kilolo Kijakazi as the suit’s Defendant.

898-SPC-MRM, 2021 U.S. Dist. LEXIS 215317, 2021 WL 5178496, at *1 (M.D. Fla. Nov. 8, 2021) (collecting cases).

The Court has considered Judge Goodman's report, the record, and the relevant legal authorities. The Court finds Judge Goodman's report and recommendations cogent and compelling. The Court **affirms and adopts** Judge Goodman's report and recommendations. (**ECF No. 37.**) The Court **grants** Mompie's amended motion for \$10,000 in attorneys' fees contingent upon a determination by the Defendant that the Plaintiff owes no qualifying, preexisting debt(s) to the Government. (**ECF No. 34.**)

Done and ordered in Miami, Florida, on August 12, 2024.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', is written over a horizontal line.

Robert N. Scola, Jr.
United States District Judge